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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,878	09/29/2003	David Currie	067811-0306155 SCN-001 (C)	9211
27498 7590 01/29/2007 PILLSBURY WINTHROP SHAW PITTMAN LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER PALIWAL, YOGESH	
			ART UNIT 2609	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,878

Applicant(s)

CURRIE ET AL.

Examiner

Yogesh Paliwal

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/17/2005, 9/3/2004, 11/28/2003.

DETAILED ACTION

Drawings

1. Figures 4-7 are objected to because of depicting flow charts that has conditional blocks without any indication of the flow based on the condition. Conditional block typically contain a Yes/No question or True/False test. This symbol is unique in that it has two arrows coming out of it, one corresponding to Yes or True, and one corresponding to No or False. In this case, conditional blocks, depicted in figures 4-7, do have two arrows coming out of them but has no indication of which arrow represent Yes/True and which arrow represent No/False condition. In fig 4 block labeled as S406, in fig 5 blocks labeled as S504, S510, S508, S514 and S516, in fig 6 block labeled S608 and in fig 7 block labeled S706 are the conditional blocks without indication of the flow based on the condition. Each block should have two arrows and a corresponding indication of the flow. Correction is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

Art Unit: 2112

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. **Claim 5** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Currently claim 5 depends from claim 4. Claim 5 simply rewrite claim 4 and thus fail to further limit the subject matter of claim 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pham et al. (US 2003/0097591) in view of Bates et al. (US 6721721)

Regarding **Claim 1**, Pham discloses an apparatus for providing verification of a security status of an on-line service (Paragraph 0005 lines 2-5, "Protecting users from Web sites hosting computer viruses and for protecting web hosting systems from hosting web pages that contains links to computer viruses"), comprising:

a database that stores a profile of devices and services comprising the on-line service and a corresponding indication of their vulnerability (Figure 2 numeral 116, paragraph 24 lines 4-10, "Information relating to pages that have been examined, in addition to information relating to pages that are found to contain a computer virus, or information relating to a computer virus, is stored in virus site database system 116")

a verification engine that provides verification to visitors of the on-line service via a network (paragraph 24, lines 1-7, "Web security system 114 can then use the information in virus site database 116 to provide a screening service, in which requests for particular Web pages are screened against the information in virus site database 116 to detect and, if desired, prevent fulfillment of requests for Web pages that contain a computer virus, or information relating to a computer virus.") by displaying an indication of the security status of the on-line service to the visitor in accordance with the stored profile (paragraph 0044 lines 25-27, "Typically, some message or notification is presented to the user indicating that the requested page will not be received").

Pham teaches that some message or notification is presented to the user. Pham doesn't clearly suggest displaying an indication of the security status of the on-line service to the visitor. Pham also does not teach the visual appearance of the indication is changed in accordance with a level of security computed for the on-line service.

However, Bates in the same field of endeavor of on-line security discloses displaying an indication of the security status of the on-line service to the visitor. (Fig 8 numerals 238 and 240, Column 6 lines 63-65, "...generation of display information for a result set that is based at least in part on virus status information stored in virus database 46"). Bates further teaches that the visual appearance of the indication is changed in accordance with a level of security computed for the on-line service (Column 12 lines 25-27, "It may be desirable to define different degree of trustworthiness, and separately identify result records matching such different degree", also at Column 11 lines 59-67, "the display information for result records determined to present a risk of virus infection may be highlighted in the display representation, e.g., by providing a unique icon in proximity with the display information").

Therefore, It would have been obvious at the time the invention was made to one of ordinary skill in the art to display, the message about security status of the on-line service, as taught by Pham, to the visitor as taught by Bates so that visitor can view the information provided and decide if he want to trust the web-site or no. Further, it would have been obvious to display the indicator taught by Bates to change the visual appearance of the indication in accordance with a level of security computed for the on-line service as suggested by Bates in the same reference to "separately identify files for which no virus status information is available...Also, files that have never had a virus may be distinguished from files that have been free of infection for a certain period of time" (Column 12, lines 26-33). *[The term "files" here does not refer to only local files stored on a local computer but it refers to Files, documents and other network-*

accessible data capable of being represented and accessed by a user via search results (Column 6, lines 45-52)].

Regarding **Claim 2**, the rejection of claim 1 is incorporated and further Pham discloses a scanning engine that detects the devices and services comprising the on-line service (paragraph 0024, lines 1-5, " Web crawler system 112 performs this Web crawling function, but in addition, examines the content of each page that is fetched in order to determine whether the page contains a computer virus, or information relating to a computer virus", paragraph 0025 lines 1-4 "Web security system 114 can then use the information in virus site database 116 to provide a screening service, in which requests for particular Web pages are screened against the information in virus site database").

Regarding **Claim 3**, the rejection of claim 2 is incorporated and further Pham discloses that the scanning engine further performs a comparison between vulnerability fingerprints and the devices and services to obtain the corresponding vulnerability indications (paragraph 0025 lines 1-5, "Web security system 114 can then use the information in virus site database 116 to provide a screening service, in which requests for particular Web pages are screened against the information in virus site database 116").

Regarding **Claim 4**, the rejection of claim 1 is incorporated and further Pham discloses that the apparatus is remote from the on-line service on the network (Figure 1 numeral 110).

Regarding **Claim 5**, the rejection of claim 4 is incorporated and as discusses in above claim objection, claim 5 depends for claim 4 and fails to further limit claim 4, so claim 5 is rejected for the same reason set forth in the rejection of claim 4 above.

Regarding **Claim 6**, the rejection of claim 1 is incorporated and further Bates discloses that the displayed indication is made in response to the visitor clicking a bug displayed by the on-line service (Column 12 lines 5-9, "a user may be warned whenever the user interacts with the display information associated with a risky result record, e.g., when selecting, or even positioning a pointer proximate to, the display information or a hypertext link therein.")

Regarding **Claim 7**, the rejection of claim 1 is incorporated and further discloses an alert engine that sends alerts to the on-line service in accordance with the comparison performed by the scanning engine (Fig 6, numeral 610, paragraph 0048 lines 5-8, "In step 610, the administrator of the Web hosting system, upon which the Web page was to be hosted, is informed that the Web page contains one or more links to a virus site").

Regarding **Claim 10**, the rejection of claim 1 is incorporated and further Pham discloses the verification engine further receives requests for registration of new on-line services, the verification engine registering the new on-line services in accordance with a determination that a bug exists at a pre-defined URL (Fig 3 numerals 80 and 92).

Regarding **Claim 11**, the rejection of claim 1 is incorporated and further Pham discloses that the on-line service is a website. (Paragraph 0006 lines 5-6, "determining whether the Web page is hosted by a Web site".)

Regarding **Claim 12**, the rejection of claim 10 is incorporated and further Pham discloses that the on-line service is a website. (Paragraph 0006 lines 5-6, "determining whether the Web page is hosted by a Web site".)

Regarding **Claim 13**, the rejection of claim 1 is incorporated and further Pham discloses that the network in the Internet. (Fig 1, Numeral 15).

Regarding **Claim 14**, Pham discloses an apparatus for providing verification of a security status of one or more on-line services (Paragraph 0005 lines 2-5, "Protecting users from Web sites hosting computer viruses and for protecting web hosting systems from hosting web pages that contains links to computer viruses"), comprising:

a database that stores respective profiles of devices and services comprising the on-line services and corresponding indications of their vulnerability (Figure 2 numeral 116, paragraph 24 lines 4-10, "Information relating to pages that have been examined, in addition to information relating to pages that are found to contain a computer virus, or information relating to a computer virus, is stored in virus site database system 116")

a security website that receives requests for verification from actual or potential visitors of a selected one of the on-line services via a network (paragraph 24, lines 1-7, "Web security system 114 can then use the information in virus site database 116 to provide a screening service, in which requests for particular Web pages are screened against the information in virus site database 116 to detect and, if desired, prevent fulfillment of requests for Web pages that contain a computer virus, or information relating to a computer virus.") and provides a graphical indication of the security status of the selected on-line service to the visitor in accordance with the stored profile

(paragraph 0044 lines 25-27, "Typically, some message or notification is presented to the user indicating that the requested page will not be received").

Pham teaches a verification engine but does not disclose a security website what receives request for verification from actual or potential visitors. Further Pham teaches that some message or notification is presented to the user. Pham doesn't clearly suggest displaying a graphical indication of the security status of the on-line service to the visitor. Pham also does not teach the visual appearance of the graphical indication is changed in accordance with a level of security computed for the on-line service.

However, Bates in the same field of endeavor of on-line security discloses a security website what receives request for verification from actual or potential visitors (Fig 8 Numeral 200). Bates further discloses displaying a graphical indication of the security status of the on-line service to the visitor (Fig 8 numerals 238 and 240, Column 6 lines 63-65, "...generation of display information for a result set that is based at least in part on virus status information stored in virus database 46"). Bates further teaches that the visual appearance of the graphical indication is changed in accordance with a level of security computed for the on-line service (Column 12 lines 25-27, "It may be desirable to define different degree of trustworthiness, and separately identify result records matching such different degree", also at Column 11 lines 59-67, "the display information for result records determined to present a risk of virus infection may be highlighted in the display representation, e.g., by providing a unique icon in proximity with the display information").

Therefore, It would have been obvious at the time the invention was made to one of ordinary skill in the art to provide a security web-site as taught by Bates in the system of Pham so that potential user can get the security status of a web-site without the need for even visit the homepage of that web-site. Further it would have been obvious to display, the message about security status of the on-line service, as taught by Pham, to the visitor, as taught by Bates so that visitor can view the information provided and decide if he/she wants to trust the web-site or no. Further, it would have been obvious to display the indicator taught by Bates to change the visual appearance of the indication in accordance with a level of security computed for the on-line service as suggested by bates in the same reference to "separately identify files for which no virus status information is available...Also, files that have never had a virus may be distinguished from files that have been free of infection for a certain period of time" (Column 12, lines 26-33).

Regarding **Claim 15**, the rejection of claim 14 is incorporated and further bates discloses that the graphical indication is a security meter (Column 11 lines 61-67, "the display information for result records determined to present a risk of virus infection may be highlighted in the display representation, e.g., ...distinct display color...")

Regarding **Claim 16**, the rejection of claim 14 is incorporated and further bates discloses that the security website is further operative to provide graphical indicators of the security status of a plurality of the on-line services in accordance with the stored profiles and requests by the visitors (Fig 8, Numerals 232, 234 and 236)

Regarding **Claim 17**, the rejection of claim 14 is incorporated and further Pham discloses a scanning engine that detects the devices and services comprising the on-line services (paragraph 0024, lines 1-5, " Web crawler system 112 performs this Web crawling function, but in addition, examines the content of each page that is fetched in order to determine whether the page contains a computer virus, or information relating to a computer virus", paragraph 0025 lines 1-4, "Web security system 114 can then use the information in virus site database 116 to provide a screening service, in which requests for particular Web pages are screened against the information in virus site database").

Regarding **Claim 18**, the rejection of claim 17 is incorporated and further Pham discloses that the scanning engine further performs a comparison between vulnerability fingerprints and the devices and services to obtain the corresponding vulnerability indications (paragraph 0025 lines 1-5, "Web security system 114 can then use the information in virus site database 116 to provide a screening service, in which requests for particular Web pages are screened against the information in virus site database 116").

Regarding **Claim 19**, the rejection of claim 14 is incorporated and further Pham discloses that the apparatus is remote from each of the on-line services on the network (Figure 1 numeral 110).

Regarding **Claim 20**, the rejection of claim 18 is incorporated and further Pham discloses that the apparatus is remote from each of the on-line services on the network (Figure 1 numeral 110).

Regarding **Claim 21**, Pham discloses a method for providing verification of a security status of an on-line service, comprising (Paragraph 0005 lines 2-5, "Protecting users from Web sites hosting computer viruses and for protecting web hosting systems from hosting web pages that contains links to computer viruses"), comprising:

a method of detecting devices and services comprising the on-line service (paragraph 0024, lines 1-5, " Web crawler system 112 performs this Web crawling function, but in addition, examines the content of each page that is fetched in order to determine whether the page contains a computer virus, or information relating to a computer virus", paragraph 0025 lines 1-4 "Web security system 114 can then use the information in virus site database 116 to provide a screening service, in which requests for particular Web pages are screened against the information in virus site database");

Comparing the detected devices and services against vulnerability fingerprints (paragraph 0025 lines 1-5, "Web security system 114 can then use the information in virus site database 116 to provide a screening service, in which requests for particular Web pages are screened against the information in virus site database 116");

Providing an indication of the security status of the on-line service to the visitor in accordance with a result of the comparing step (paragraph 0044 lines 25-27, "Typically, some message or notification is presented to the user indicating that the requested page will not be received");

Pham teaches that some message or notification is presented to the user. Pham doesn't clearly suggest displaying an indication of the security status of the on-line

service to the visitor. Pham also does not teach a method where visual appearance of the indication is changed in accordance with a level of security computed for the on-line service.

However, Bates in the same field of endeavor of on-line security discloses displaying an indication of the security status of the on-line service to the visitor. (Fig 8 numerals 238 and 240, Column 6 lines 63-65, "...generation of display information for a result set that is based at least in part on virus status information stored in virus database 46"). Bates further teaches that the visual appearance of the indication is changed in accordance with a level of security computed for the on-line service (Column 12 lines 25-27, "It may be desirable to define different degree of trustworthiness, and separately identify result records matching such different degree", also at Column 11 lines 59-67, "the display information for result records determined to present a risk of virus infection may be highlighted in the display representation, e.g., by providing a unique icon in proximity with the display information").

Therefore, It would have been obvious at the time the invention was made to one of ordinary skill in the art to display, the message about security status of the on-line service, as taught by Pham, to the visitor as taught by Bates so that visitor can view the information provided and decide if he want to trust the web-site or no. Further, it would have been obvious to display the indicator taught by bates to change the visual appearance of the indication in accordance with a level of security computed for the on-line service as suggested by bates in the same reference to "separately identify files for which no virus status information is available...Also, files that have never had a virus

may be distinguished from files that have been free of infection for a certain period of time" (Column 12, lines 26-33).

Regarding **Claim 22**, the rejection of claim 21 is incorporated and further Pham discloses comparing step includes scanning the on-line service from a remote address on the network (Fig 1 Numeral 110).

Regarding **Claim 23**, the rejection of claim 21 is incorporated and further Pham Bates discloses allowing the visitor to make the request by clicking a bug displayed by the on-line service. (Column 12 lines 5-9, "a user may be warned whenever the user interacts with the display information associated with a risky result record, e.g., when selecting, or even positioning a pointer proximate to, the display information or a hypertext link therein.")

Regarding **Claim 24**, the rejection of claim 21 is incorporated and further Pham discloses sending alerts to the on-line service in accordance with the comparison performed by the scanning engine (Fig 6, numeral 610, paragraph 0048 lines 5-8, "In step 610, the administrator of the Web hosting system, upon which the Web page was to be hosted, is informed that the Web page contains one or more links to a virus site")

Regarding **Claim 26**, the rejection of claim 21 is incorporated and further Pham discloses receiving a request for registration of a new on-line service (Fig 3, Numeral 82), determining whether a bug exists at a pre-defined URL in the request (Fig 3, Numeral 90) and registering the new on-line services in accordance with the determination that the bug exists at the pre-defined URL (Fig 3, Numeral 92).

5. **Claims 8,9 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pham et al. (US 2003/0097591) in view of Bates (US 6721721) and further in view of Bunker, V el al. (US 2003/0028803).

Regarding **Claim 8**, the rejection of claim 7 is incorporated. Pham discloses an alert engine to alert on-line service for viruses potentially affecting the on-line service. Pham doesn't explicitly teach that alert engine further determines whether new vulnerabilities potentially affect the on-line service.

However, Bunker in the in the same field of endeavor of network security discloses that the alert engine further determines whether new vulnerabilities potentially affect the on-line service (paragraph 0020 line 1-2, "only customers affected by the new security vulnerabilities may receive the alert")

Therefore, It would have been obvious at the time the invention was made to one of ordinary skill in the art further modify the alert engine as taught by Pham to determines whether new vulnerabilities potentially affect the on-line service as taught by Bunker, so "if the new vulnerability is found to affect the customer systems or networks then a possibly detailed alert may be sent to the customer" (paragraph 0019, 14-16).

Regarding **claim 9**, the rejection of claim 8 is incorporated and further Bunker teaches that the alert engine is operative to further determine whether new vulnerabilities potentially affect the on-line service based on information in the stored profile and newly received vulnerability information without requiring a new scan by the scanning engine to detect devices and services comprising the on-line service (paragraph 0019 line 11-14, "The configuration of the new vulnerability may be

compared to the customer's system network configuration in the last test for the customer. ")

Therefore, It would have been obvious at the time the invention was made to one of ordinary skill in the art further modify the alert engine as taught by Pham to send alert based on information in the stored profile and newly received vulnerability information without requiring a new scan, as taught by Bunker so "only customers affected by the new security vulnerabilities may receive the alert" (paragraph 0020 lines 1-2) also this kind of configuration provides real time security alerts that warns operators to perform appropriate action when new newly received security vulnerability can potentially harm their system.

Regarding **Claim 25**, the rejection of claim 24 is incorporated. Pham discloses an alert engine to alert on-line service for viruses potentially affecting the on-line service. Pham doesn't explicitly teach that alert engine further determines whether new vulnerabilities potentially affect the on-line service.

However, Bunker in the in the same field of endeavor of network security discloses that the alert engine further determines whether new vulnerabilities potentially affect the on-line service (paragraph 0020 line 1-2, "only customers affected by the new security vulnerabilities may receive the alert")

Therefore, It would have been obvious at the time the invention was made to one of ordinary skill in the art to further modify the alert engine as taught by Pham to determines whether new vulnerabilities potentially affect the on-line service as taught by

Art Unit: 2112

Bunker, so "if the new vulnerability is found to affect the customer systems or networks then a possibly detailed alert may be sent to the customer" (paragraph 0019, 14-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh Paliwal whose telephone number is (571) 270-1807. The examiner can normally be reached on M-F: 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Y.P.

YP

1/18/2007



BRIAN WERNER
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